

Stephen G. E. BARKER
Appl. No. 10/542,030
August 15, 2007

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 23-41 will be active in the application subsequent to entry of this Amendment.

The Official Action indicates that there are 17 claims pending in the application.

Presumably this refers to the 17 claims in the PCT application as published. This overlooks the fact that the claims were amended during Chapter II processing and expanded to a total of 22 claims. Further, when this application was filed in the U.S. PTO a Preliminary Amendment was filed on July 13, 2005 canceling claims 1-22 and inserting a new set of claims 23-42.

Claim 42 has been canceled as directed to non-statutory subject matter.

The Official Action requires restriction between original claims 1-12 drawn to an applicator assembly and claims “12” (presumably 13 was intended)-17 drawn to a sheet of surgical material.

Applicants elect the subject matter of Group I, namely claims drawn to an applicator assembly. When applied to the Preliminary Amendment of July 13, 2005 these would be claims 23-35.

Claims 36-38 are directed to a surgical material and would fall within Group II of the requirement for restriction.

The Preliminary Amendment also includes claims 39-41 directed to a combination of the applicator assembly of claim 23 and a laparoscopic port. It is counsel’s understanding that these “combination” claims would fall within the scope of Group I of the requirement for restriction because they depend, either directly or indirectly, from claim 23. Indeed, if the examiner accepts that the “applicator assembly” of claims 23-35 is novel and inventive, the combination of claims 39-41 will also be inherently novel and inventive because they require the presence of the novel and inventive applicator assembly of claim 23.

To summarize, applicants elect claims 23-35 and claims 39-41 which all fall within the subject matter of Group I.

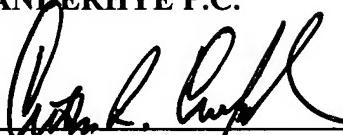
An examination on the merits is awaited taking into account the Information Disclosure Statement filed September 27, 2005 as well as the documents cited in the International Preliminary Examination Report, all of the citations being U.S. patents and included in the IDS of September 27, 2005.

Stephen G. E. BARKER
Appl. No. 10/542,030
August 15, 2007

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



Arthur R. Crawford
Reg. No. 25,327

ARC:eaw
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100